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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,578	11/28/2003	Manabu Shibutani	088485-0238	8607

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EXAMINER

DANG, HUNG Q

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/724,578	Applicant(s) SHIBUTANI, MANABU	
	Examiner Hung Q. Dang	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/2003, 02/17/2004, 08/21/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Request for Consideration of Information Disclosure Statement has been acknowledged. However, from the record, there is no IDS filed on March 17, 2005. Therefore, the Examiner respectfully request a copy of that IDS.

Applicant's arguments filed 07/14/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 41-43, 47, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokogawa (US Patent 6,463,210) and Fukuda et al. (US Patent 6,856,759).

Regarding claim 34, Yokogawa discloses a video data conversion apparatus comprising: a conversion unit configured to convert first data including first video data units represented with first aspect ratio (column 3, lines 58-61; column 4, lines 42-45) into second data including second data units represented with a second uniform aspect ratio (column 3, lines 58-61; column 4, lines 42-45) by rewriting first aspect data included in each first video data unit into second uniform data included in each second video data unit (column 3, line 49—column 4, line 14; column 4, lines 33-66); and output

unit configured to output the second data converted by the conversion unit (column 3, lines 4-5; column 4, lines 14-19; column 4, line 66 - column 5, line 4).

However, Yokogawa does not disclose first video data units represented with non-uniform aspect ratios.

Fukuda discloses first video data units represented with non-uniform aspect ratios (column 7, lines 41-47).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the first video data units represented with non-uniform aspect ratios disclosed by Fukuda into the video data conversion apparatus disclosed by Yokogawa in order to convert broadcast programs with different aspect ratios into video data with single aspect ratio. The incorporated feature would make the apparatus more useful because it is able to process video streams with multiple aspect ratios.

Regarding claim 41, Yokogawa also discloses the conversion unit converts the first data into the second data including the second video data units represented with uniform aspect ratios on the basis of user's operation (column 3, lines 15-17).

Regarding claim 42, Yokogawa also discloses the conversion unit converts the first data into the second data including the second video data units represented with the uniform aspect ratios on the basis of a designated aspect ratio (column 3, lines 15-17).

Claim 43 is rejected for the same reason as discussed in claim 34 above.

Regarding claim 47, Yokogawa discloses a video data conversion method comprising: converting first data including first video data units represented with first

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aspect ratio (column 3, lines 58-61; column 4, lines 42-45) into second data including second data units represented with a second uniform aspect ratio (column 3, lines 58-61; column 4, lines 42-45) by rewriting first aspect data included in each first video data unit into second uniform data included in each second video data unit (column 3, line 49—column 4, line 14; column 4, lines 33-66).

However, Yokogawa does not disclose first video data units represented with non-uniform aspect ratios.

Fukuda discloses first video data units represented with non-uniform aspect ratios (column 7, lines 41-47).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the first video data units represented with non-uniform aspect ratios disclosed by Fukuda into the video data conversion method disclosed by Yokogawa in order to convert broadcast programs with different aspect ratios into video data with single aspect ratio. The incorporated feature would make the apparatus more useful because it is able to process video streams with multiple aspect ratios.

Claim 54 is rejected for the same reason as discussed in claim 41 above.

Claim 55 is rejected for the same reason as discussed in claim 42 above.

Claim 56 is rejected for the same reason as discussed in claim 35 above.

Claims 35-37, 39-40, 44-45, 48-53, and 57-58 rejected under 35 U.S.C. 103(a) as being unpatentable over Yokogawa (US Patent 6,463,210) and Fukuda et al. (US Patent 6,856,759) as applied to claims 34, 41-43, 47, and 54-56 above, and further in view of Hisatomi et al. (US 2002/0159766).

Regarding claim 35, see the teachings of Yokogawa and Fukuda et al. as discussed in claim 34 above. However, the proposed combination of Yokogawa and Fukuda et al. does not disclose the first digital video data complies with a DVD-VR standard and the second digital video data complies with the DVD-VR standard.

Hisatomi et al. disclose DVD-VR standard ([0095]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the DVD-VR standard disclosed by Hisatomi et al. into the apparatus disclosed by Fukuda et al. and Kato et al. in order to make the apparatus compatible with existing recording standards.

Regarding claim 36, see the teachings of Yokogawa and Fukuda et al. as discussed in claim 35 above. Further, Fukuda et al. also disclose the first digital video data (column 1, line 66 – column 2, line 5; column 3, lines 55-57; column 16, lines 9-15) and the second digital video data (column 15, lines 55-63) each contain video object data obtained by encoding video and audio data (column 1, line 66 – column 2, line 5; column 15, lines 55-63), and management data, corresponding to the video object data, which is used to manage the video object data (column 4, lines 34-53; Fig. 18; Fig. 19), wherein the video object data contains video object units (Fig. 22).

However, the proposed combination of Yokogawa and Fukuda et al. et al. does not disclose each video object unit data contains sequence header data, wherein the sequence header data contains said first and second aspect data that designates said first and second aspect ratios respectively.

Hisatomi et al. disclose each video object unit data contains sequence header data, wherein the sequence header data contains aspect data that designates the aspect ratio (Fig. 7; [0089]; [0090]; [0091]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the sequence header disclosed by Hisatomi et al. into the apparatus disclosed by Yokogawa and Fukuda et al. to make the audio video data stream compatible with MPEG standards.

Regarding claim 37, Fukuda et al., in combination of Hisatomi et al., also disclose the video object unit data contains sequence display extension data (column 16, lines 9-14), the sequence display extension data contains display horizontal size data (column 16, lines 9-14), and the conversion unit rewrites the display horizontal size data in first data into second display horizontal size data contained in a second data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19; column 17, lines 19-26); and the second display horizontal size data corresponds to the uniform aspect data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19; column 17, lines 19-26).

Claim 39 is rejected for the same reason as discussed in claim 36 above.

Claim 40 is rejected for the same reason as discussed in claim 37 above.

Regarding claim 44, see the teachings of Yokogawa and Fukuda et al. as discussed in claim 34 above. However, the proposed combination of Yokogawa and Fukuda et al. et al. does not disclose each video object unit data contains sequence header data, wherein the sequence header data contains said first and second aspect data that designates said first and second aspect ratios respectively.

Hisatomi et al. disclose each video object unit data contains sequence header data, wherein the sequence header data contains aspect data that designates the aspect ratio (Fig. 7; [0089]; [0090]; [0091]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the sequence header disclosed by Hisatomi et al. into the apparatus disclosed by Yokogawa and Fukuda et al. to make the audio video data stream compatible with MPEG standards.

Regarding claim 45, Fukuda et al., in combination of Hisatomi et al., also disclose the video object unit data contains sequence display extension data (column 16, lines 9-14), the sequence display extension data contains display horizontal size data and display vertical size data (column 16, lines 9-14), and the conversion unit the display horizontal size data in first data into second display horizontal size data contained in a second data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19; column 17, lines 19-26).

Claim 48 is rejected for the same reason as discussed in claim 35 above.

Claim 49 is rejected for the same reason as discussed in claim 36 above.

Claim 50 is rejected for the same reason as discussed in claim 37 above.

Claim 51 is rejected for the same reason as discussed in claim 35 above.

Claim 52 is rejected for the same reason as discussed in claim 36 above.

Claim 53 is rejected for the same reason as discussed in claim 37 above.

Claim 57 is rejected for the same reason as discussed in claim 44 above.

Claim 58 is rejected for the same reason as discussed in claim 45 above.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokogawa (US Patent 6,463,210) and Fukuda et al. (US Patent 6,856,759) as applied to claims 34, 41-43, 47, and 54-56 above, and further in view of Winter (EP 1 195 767 A1).

Regarding claim 38, see the teachings of Yokogawa and Fukuda et al. as discussed in claim 34 above. However, the proposed combination of Yokogawa and Fukuda et al. does not disclose the conversion unit converts the second digital video data having the first aspect data into third digital video data complying with a DVD-Video standard.

Winter discloses the conversion unit converts a stream of digital video data into another stream of digital video data complying with a DVD-Video standard ([0005]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the conversion unit disclosed by Winter into the apparatus disclosed by Yokogawa and Fukuda et al. in order to make the apparatus compatible with existing standard.

Claims 46 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokogawa (US Patent 6,463,210) and Fukuda et al. (US Patent 6,856,759) as applied to claims 34, 41-43, 47, and 54-56 above, and further in view of Okuno et al. (US Patent 6,407,723), Winter (EP 1 195 767 A1), and Hisatomi et al. (US 2002/0159766).

Regarding claim 46, see the teachings of Yokogawa and Fukuda et al. as discussed in claim 34 above. Further, Fukuda et al. also disclose a pre-processing unit

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configured to check whether all aspect data items included in all video object unit data items contained in the first video data indicate one of the first and second aspect ratios (column 26, lines 12-15), and configured to output when the aspect data items indicate both the first and second aspect ratios (column 26, lines 12-15). Also, Yokogawa discloses the conversion unit rewrites all aspect data items in the all video object unit data items, such that the all aspect data items indicate one of the first and second aspect ratios (column 3, line 49—column 4, line 14; column 4, lines 33-66), and when an instruction to uniform the first and second aspect ratios to one of the first and second aspect ratios, the first video data being selected to be converted (column 3, lines 15-17; column 3, line 49—column 4, line 14; column 4, lines 33-66).

However, the proposed combination of Yokogawa and Fukuda et al. does not disclose displaying a message for calling attention; video data being converted to DVD-Video standard; and aspect data items included in all sequence header data items.

Okuno et al. disclose displaying a message for calling attention (column 9, lines 35-41).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the step of displaying a message for calling attention disclosed by Okuno et al. into the apparatus disclosed by Yokogawa and Fukuda et al. to enhance the user interface of the apparatus.

However, the proposed combination of Yokogawa, Fukuda et al., and Okuno et al. does not disclose video data being converted to DVD-Video standard; and aspect data items included in all sequence header data items.

Winter disclose the conversion unit converts a stream of digital video data into another stream of digital video data complying with a DVD-Video standard ([0005]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the conversion unit disclosed by Winter into the apparatus disclosed by Yokogawa, Fukuda et al., and Okuno et al. in order to make the apparatus compatible with existing standard.

However, the proposed combination of Yokogawa, Fukuda et al., Okuno et al., and Winter does not disclose aspect data items included in all sequence header data items.

Hisatomi et al. disclose each video object unit data contains sequence header data, wherein the sequence header data contains aspect data that designates the aspect ratio (Fig. 7; [0089]; [0090]; [0091]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the sequence header disclosed by Hisatomi et al. into the apparatus disclosed by Yokogawa, Fukuda et al., Okuno et al., and Winter to make the audio video data stream compatible with MPEG standards.

Claim 59 is rejected for the same reason as discussed in claim 46 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621